

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LAWRENCE MAYES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-07-918-F
	)	
OKLAHOMA COUNTY JAIL, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On October 17, 2007, United States Magistrate Judge Gary M. Purcell entered a Supplemental Report and Recommendation (doc. no.16), wherein he recommended that plaintiff's action under 42 U.S.C. § 1983 be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b) for failure to state a claim. In the Supplemental Report and Recommendation, Magistrate Judge Purcell advised plaintiff of his right to file an objection by November 6, 2007, and further advised plaintiff that failure to make timely objection would waive his right to appellate review.


To date, plaintiff has not filed an objection to the Supplemental Report and Recommendation. He has also not filed a request for an extension of time to file an objection. With no objection being filed, the court accepts, adopts, and affirms the Supplemental Report and Recommendation.

IT IS THEREFORE ORDERED that the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on October 17, 2007 (doc. no. 16) is **ACCEPTED, ADOPTED, and AFFIRMED.**

IT IS ALSO ORDERED that Plaintiff's action under 42 U.S.C. § 1983 is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b) for failure to state a claim.

IT IS FURTHER ORDERED that the dismissal of this action pursuant to 28 U.S.C. § 1915A(b) may constitute one “strike” pursuant to 28 U.S.C. § 1915(g) upon affirmance or waiver of plaintiff’s opportunity to appeal.

Entered this 26<sup>th</sup> day of November, 2007.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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